

REMARKS

This Amendment is in response to the Office Action dated February 25, 2005. In the Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. § 101, and claims 1-13 under 35 U.S.C. § 103. Applicant has amended claims 1 and 8, and added claims 14-18. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

While Applicant believes the language of claim 1 is clear, Applicant has nonetheless amended claim 1 to indicate that the current vehicle debt payoff information is updated periodically on the server computer system.

I. Rejection Under 35 U.S.C. § 101

In the Office Action, the Examiner rejected method claims 1-7 under 35 U.S.C. § 101 as being drawn to a non-statutory subject matter. Specifically, it is pointed out that "the preamble and the body of the claims do not indicate that a computer system executes the method." Applicant respectfully disagrees. The first element of claim 1 explicitly recites "uploading current vehicle debt payoff information to a database on a server computer system from computer systems of a plurality of lending institutions." (Emphasis added). The server computer system and computer systems of the lending institutions are hardware equipment. Moreover, the database on the server computer system is typically maintained in memory such as RAM, hard disk, etc. or a combination of such structures. As such, it is believed that claims 1-7 satisfy the requirements of 35 U.S.C. § 101.

II. Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected method claims 1-13 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication #20040010419 to

Sinnott ("Sinnott") alone or in view of U.S. Patent Application Publication #20030041019 to Vagim et al. ("Vagim").

The claims of the present application are directed at a method, system, and apparatus for providing current and up to date loan information at any time. For example, claim 1 recites "updating said current vehicle debt payoff information periodically." Such a system is not disclosed or contemplated by Sinnott.

Sinnott discloses a system in which a user can personally create, store, and manage payoff-statement requests, transmit the requests to a loan servicer, and receive a reply payoff statements from the loan servicer. See Summary of the Invention. In Sinnott, a reply payoff statement (Fig. 2, 275) is provided to the center controller 200 only upon a request for payoff statement initiated by the user (Fig. 2, 235). See Summary of the Invention. Sinnott understands and acknowledges that it may take a "few days" for a loan servicer to process the request and provide a payoff statement. See Sinnott ¶ 0037 ("The controller then transmits the request document by email to an email-to-fax service, which converts it to a fax and forwards the fax to the loan servicer. The loan servicer processes the request, **which may take a few seconds or a few days**, and outputs a payoff-statement carrying the code-delimited request ID."); see also Sinnott ¶ 0095 ("At 312 the input information is stored. At this point, the user is able to log off. **It should be understood that loan servicing companies often take several days or more to process requests for payoff-statements.**") (Emphasis added).

Importantly, the payoff statement in Sinnott becomes stale since the payoff amount typically changes. Sinnott does not disclose, teach, or suggest to periodically make payoff requests to keep the payoff information current.

The examiner treats the claim language "updating said current vehicle debt payoff information periodically" as "an inherent property of an accounting database

system" since "payments are made on a debt account, records are updated to reflect decreasing balances as they occur." "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" In re Robertson, 169 F.3d 743, 745 (Fed. Cir. 1999) (Emphasis added).

The Examiner has failed to establish that the claim element "updating said current vehicle debt payoff information periodically" is inherent. Indeed, in Sinnott, the very prior art reference that the Examiner cites for its rejection, the payoff statements, if requested by the user, are not updated. The payoff statements are processed and sent from a loan servicer to the central controller 200 only in response to a request from a user. Moreover, there is no indication that it would be inherent to automatically update records on a server computer system, as claimed. For example, in Sinnott the "decreasing balances" of an account serviced by loan servicer 280 (Fig. 2) are not reflected in the central controller 200 (Fig. 2) unless requested by the user. Sinnott suffers from the same problem as the prior art described in the present application. If the user wants to obtain payoff information, the user has to make a request from a loan servicer which may take several days. The method, apparatus, and system claimed in the present application overcomes this drawback by having current and up to date payoff information available from a central database. Consequently, the claims of the present application are patentably distinct from the prior art.


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Amdt. dated July 25, 2005
Reply to Office Action of February 25, 2005

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,
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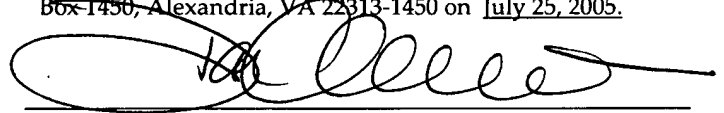
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